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ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FT. WORTH DIVISION

RMT

FOR THE NORTHERN DISTRICT OF TEXAS

2010 MAR 23 PM 2:47

FT. WORTH DIVISION

CLERK OF COURT

LORENZO ALLEN THOMAS,  
PLAINTIFF )

And

**4-10 CV-193-Y**

HEATHER D. SHOUGH,  
PLAINTIFF )

CIVIL ACTION NO.

VS.

TEXAS DEPARTMENT OF FAMILY )

AND PROTECTIVE SERVICES,  
And Jane/John Does 1-10

THOMAS CHAPMOND,

CARNESHA COLLINS, )

PAULA PIETZ,

JOYCE COLEMAN,

CRYSTAL MARTIN, TARRANT )

COUNTY, TARRANT COUNTY

DISTRICT ATTORNEY OFFICE,

LISA HAINES, )

SAFE HAVEN MISSION

And JANE/ JONE DOE 1-10, )  
DEFENDANTS'

**PLAINTIFFS' ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE AND JURY OF SAID COURT:

**Parties**

1. Plaintiffs are individuals that are citizens of the United States and residents of the State of Texas.
2. Defendant, Texas Department of Family and Protective Services, Child Protective Services hereinafter ("TDFPS") or ("CPS"), A Texas State governmental entity, may be served with process by serving its Executive Director, Thomas Chapmond at 701 West 51<sup>st</sup> Street, Austin, Texas 78751
3. Defendant, Joyce Coleman-Alford, an individual, may be served with process at 2700 Ben Ave., Fort Worth, Texas 76103.
4. Defendant, Paula Pietz, an individual, may be served with process at 2700 Ben Ave. Ft. Worth, Tx. 76103.
5. Defendant, Carnesha Collins, an individual, may be served with process at 2700 Ben Ave. Ft. Worth, Texas 76103.
6. Defendant Crystal Martin, an individual, may be served with process at 1200 E. Copeland, Arlington, Texas 76011.

7. Defendant Lisa Hains, an individual, may be served with process at 2700 Ben Ave., Ft. Worth, Texas 76103.
8. Defendant Joe Shannon Jr., an individual, may be served with process at 2700 Ben Ave., Ft. Worth, Texas 76103.
9. Defendant, Tarrant County, a county governmental entity in the State of Texas, may be served with process by serving 100 E. Weatherford Ft. Worth, Texas.
10. Defendant, Tarrant county District Attorneys office, a county governmental District Attorney, may be served with process at 401 W. Belknap, Ft. Worth, Texas 76196
11. Defendant, Safe Haven Mission, is a non-for-profit corporation that is incorporated under the laws of the State of Texas. Defendant has its principal place of business in the State of Texas. Defendant may be served with process by serving its registered agent, 6815 Manhattan Blvd.

**Capacity**

12. Plaintiff's sue Program director, Joyce Coleman-Alford in her official and individual capacities.
13. At the time of the occurrences at issue in this suit, Defendants Collins, Martin, Chapmond, Coleman-Alford, Pietz and Jane/John Does 1-10 were officers of TDFPS and were acting in such capacity as agents, servants, and employees of TDFPS and were acting under the direction and control of TDFPS, and were acting pursuant to either official policy, or custom, practice, or usage of TDFPS.
14. Defendant CPS is a department of the State of Texas organized and existing under the laws of the State of Texas. In this cause, CPS acted through its agents, employees and servants, who were the policy makers for CPS and for the conduct of the persons employed by CPS and through Defendants Collins, Martin, Coleman-Alford, Pietz, Chapmond, Jane/John Does 1-10, and Safe Haven Mission.
15. Plaintiffs' sue Defendants Carnesha Collins, Paula Pietz, Joyce Coleman-Alford, Crystal Martin and Jane/John Doe 1-20 each in their individual and official capacities.

16. At all times referred to herein, Defendants Carnesha Collins, Crystal Martin, Paula Pietz, Joyce Coleman-Alford and Jane/John Doe 1-20 acted under color of the laws, statutes, ordinances, regulations, policies, customs, and usages of the State of Texas and or Tarrant County, Defendants Carnesha Collins, Crystal Martin, Paula Pietz, Joyce Coleman-Alford and Jane/Jone Doe 1-20 and pursuant to their authority as of said CPS.
17. At the time of the occurrences at issue in this suit, Defendant Joe Shannon, Jr., Lisa Haines, were officers of the Tarrant County Attorney's office and were acting in such capacity as agents, servants, and employees of Tarrant County and it District Attorney's Office, and were acting under the direction and control of Tarrant County and its District Attorney's office and were acting pursuant to either official policy, or the custom, practice, and usage of Tarrant County, State of Texas and or its District Attorney's office.
18. Defendant Tarrant County is a municipal corporation organized and existing under the laws of the State of Texas. In this cause, Tarrant County acted through its agents, employees, and servants, who

were the policymakers for Tarrant County District Attorney's office and for the conduct of the officers employed by the department, and through Defendants Joe Shannon, Lisa Haines.

19. Plaintiffs sue Defendant Joe Shannon, Lisa Haines, each in their individual and official capacities.
20. At all time referred to herein, Defendants Joe Shannon, Lisa Haines, acted under color of the laws, statutes, ordinances, regulations, policies, customs, and usages of the State of Texas, Tarrant County and Tarrant County District Attorney's office and pursuant to their authority as officers of said Tarrant County and Tarrant County District Attorney's office.

#### **JURISDICTION**

21. This court has jurisdiction to hear and determine this action based upon violations of the Fourth and Fourteenth Amendments to the United states Constitution, federal civil rights law pursuant to 42 U.S.C. § § 1983 and 1988, federal statutes, and Texas statutory and/or common law. The court has jurisdiction of this action under 42 U.S.C. § 1983, 28 U.S.C. § 1343 and 28 U.S.C. § 1331.

**CONDITIONS PRECEDENT**

22. All conditions precedent has been performed or has occurred.

**FACTS**

23. This is an action for money damages and for prospective relief against the Defendants named above, for violations of the Fourth and Fourteenth Amendments to the United States Constitution, federal civil rights law pursuant to 42 U.S.C. §§ 1983 and 1988, the Texas Constitution, and Texas statutory and/or common law.
24. Plaintiffs LORENZO THOMAS ("Mr. Thomas") and HEATHER SHOUGH ("Ms. Shough"), at the time of these issues had one child, MARQUIA THOMAS.
25. On or about June 15, 2009, Plaintiffs had at verbal argument at their home. Mr. Thomas was tired and explained to Ms. Shough that it was late and that they should discuss the matter in the morning. However, Ms. Shough was persistent and wanted to

resolve the argument before they went to bed.

Therefore, because their daughter slept in the same room as them, Mr. Thomas asks their roommate if she didn't mind watching their daughter while they were arguing.

26. Mr. Thomas left the house, so that Ms. Shough and him could calm down before the argument escalated. Ms. Shough followed Mr. Thomas down the street. Mr. Thomas didn't want to cause a scene so he began walking back to the house. At that point, Ms. Shough, stopped a car driving by and got in the car and left. The next morning, Ms Shough had came home and wanted to talk to Mr. Thomas about the argument but Mr. Thomas didn't want to talk because he was upset about Ms. Shough getting into a car with strangers and leaving. Ms. Shough left the room and left the house.
27. Mr. Thomas noticed that Ms. Shough had left the house taking their daughter with her. On or about June 18, 2009, Mr. Thomas received a call from Ms. Shough stating that she had went to a shelter that she couldn't let him know where she was or that they would make her leave the shelter. Ms. Shough explained that she wanted to come home but the



shelter stated that if she left that Ms. Shough wasn't allowed to leave with their daughter. When asked why, Ms. Shough explained that she had lied and told the counselors at the shelter that Mr. Thomas had choked her and that she was a victim to domestic violence. Ms. Shough stated that she only said those things because she was mad at Mr. Thomas and that she wanted Mr. Thomas to stop smoking weed. Ms Shough also stated that CPS was called and she was told by Defendant Collins that Mr. Thomas was not allowed to live at the home and if CPS found out that he was in fact making contact with Ms. Shough, CPS would remove their child from the home.

28. Ms. Shough informed Mr. Thomas that she was calling a friend to take her home that she was leaving the shelter and that he had to go stay with a friend. Mr. Thomas agreed and left the home. On or about June 23, 2009, Ms. Shough received a knock on the door and discovered that it was Defendant Collins from CPS. Ms. Opened the door and Defendant Collins walked in the house uninvited and sit down questioning Ms. Shough about why she had left the shelter. She had also questioned Ms. Shough about any drug use or having contact with Mr. Thomas. Ms.

Shough admitted that she had in fact used marijuana back on the 19<sup>th</sup> of June but had used since then. Ms. Shough denied having any contact with Mr. Thomas other than Mr. Thomas coming to the home to get some of his personal items and clothes but she didn't let him in the home and told him that he had to leave once she brought his things to him. Defendant Collins.

29. Based on the information concerning the drug use Ms. Collins drafted a safety plan instructing Ms. Shough not to use any illegal drugs and not to have any further contact with Mr. Thomas, if so, that CPS would remove their child from the home.

30. On June 23, 2009, after speaking to defendant Collins, Ms. Shough took her daughter to her pediatrician for a physical. At the pediatricians office, a physical was performed and their was clear with a healthy report.

31. On June 25, 2009, Ms. Shough states that she was awaking by someone beating on the door. When she came to the door, Ms. Collins and three other ladies walked in the home without asking or Ms. Shough providing consent, and began demanding that MS. Shough pack her things that CPS was shipping her

back to Ohio to live with her parents. Ms. Shough refused and was told by Ms. Collins that CPS would take custody of the child if MS. Shough refused. At that point Ms. Shough agreed to move as long as she was allowed to take her daughter with her. Ms. Shough called her mother and explained what was going on and ask if someone would be there to pick Ms. Shough up at the airport.

32. Ms. Shough hung up the phone and Defendant Collins stated that Ms. Shough had just told her mother that she had contact with Mr. Thomas. Ms. Shough strenuously denied making such comment. Defendant Collins then ask Ms. Shough to submit to a drug test. Ms. Shough argued that she had already explained that she did in fact smoke marijuana on the 19<sup>th</sup> of June and that there was no way that her system was clean yet. Defendant Collins responded, "Oh that's ok, just take the test any way. I told you I'm not going to set you up".

33. Ms. Shough agreed to take the drug test. While taking the test, Ms. Shough was holding her daughter and Defendant Collins and the other 3 ladies whose names are unknown, keep asking to hold her daughter. Ms. Shough refused at first but her daughter was

becoming restless from being held so Ms. Shough sat her daughter down to write a statement. At that point one of the unknown ladies grabbed Ms. Shough's daughter and ran out the door. Defendant Collins left with them throwing a paper in Ms. Shough face and stated, "NOW YOU CAN BE WITH LORENZO ALL YOU WANT." The paper was a Notice of Removal of Child.

34. Ms. Shough asserts that she ran out side pleading with Ms. Collins not to take her child from her, however, Ms. Collins responded for Ms. Shough to go back into the house and not to cause a scene. After the removal, Ms. Shough came to Mr. Thomas job and explained to him what had took place. Ms. Shough explained that CPS and 3 ladies who didn't identify their selves, came into the house without asking and grabbed their daughter. Ms. Shough explained that Defendant Collins wanted Mr. Thomas to contact her for questioning.

35. Mr. Thomas asserts that he made several attempts to contact defendant Collins however she would not answer her phone even and would not return Mr. Thomas call, although he left a message to return his call.

36. On or about June 26, 2009, Mr. Thomas and Ms. Shough went to court concerning a hearing for the removal. Before the hearing Ms. Shough and Mr. Thomas spoke to the assistant district attorney Haines and explained that their actions were illegal and that they had no right to come into their home without a warrant or court order. Ms. Collins was present at the time, and argued that CPS did in fact have the right to remove the child but there were exceptional circumstances present that warranted the removal. Ms. Shough argued that the allegations were not true and that she had lied about domestic violence because she was upset. In response, Ms. Haines and Collins threatened Ms. Shough that if she didn't stick with her original story that CPS would hold the case up for a year and Ms. Shough would see her child.
37. At the hearing both Ms. Shough and Mr. Thomas were appointed counsel and an order was entered for their child to remain in CPS custody. After the hearing both parents were provided a copy of the petition alleging the allegations concerning reason for removal. At that point is when Mr. Thomas and Ms. Shough learned of the fabricated allegation submitted by Defendant Collins.

38. In the petition, along with the affidavit signed by Defendant Collins, Ms. Collins fabricated allegations that Ms. Shough had alleged to her that Mr. Thomas had abused their daughter by picking their daughter up by her limbs and throwing her into her play pin for crying, which was a lie. Ms. Collins also alleged that Ms. Shough alleged that Mr. Thomas had grabbed their daughter by the neck but dint squeeze, which was also a lie. In the petition, the state and CPS falsely alleged that their child had been sexually assaulted. None of their allegation were submitted in the "Notice for Removal of Child", when asked to state the factual allegation for reasons for removal.

39. Ms. Shough and Mr. Thomas were ordered to return to court on July 2, 2009 to appear for a Show Cause Hearing and dispute the allegations. Both parents made several attempts to contact their attorney to prepare for the hearing. Ms. Was able to ever speak to her lawyer prior to the hearing and Mr. Thomas spoke to his lawyer a day before the hearing. After explaining the facts to his attorney and informing his attorney that CPS had came into the home without consent and removed the child without a court order

a warrant, his attorney suggested that Mr. Thomas and Ms. Shough just go along with what CPS was saying, that, that Ms. Shough and Mr. Thomas had a better chance for their child being returned faster in they didn't fight. Mr. Thomas attorney stated that CPS would have them do a few classes and that their child would be returned within 90 days. Mr. Thomas agreed to waive his rights to appear at the hearing in return that it was noted that Mr. Thomas was not admitting to any domestic violence or child abuse because the allegation weren't true.

40. After the hearing both parents were assigned a caseworker; Crystal Martin, and were given a service plan to complete before their child would be returned. Mr. Thomas received a copy of the order from the show cause hearing which stated that no findings of fact were found at the time, but Mr. Thomas also learned that he was ordered to complete domestic violence and other services that he felt that he was admitting to abuse. Mr. Thomas contacted his lawyer, demanding that he file an appeal concerning the refusal to appear at the show cause hearing, and his response was that it was too late

and for Mr. Thomas to complete the services. Ms.

Shough had never spoken to her lawyer before that.

41. Mr. Thomas asserts that after speaking to his lawyer, he was up set and felt that his lawyer had not provided him with effective assistance of counsel; based on the facts that his lawyer was made aware of and failing to do an independent investigation, Mr. Thomas ask the court at a status review hearing that his lawyer be removed from the case and Mr. Thomas be assigned new counsel, however he was denied.

42. After the status review hearing, both Ms. Shough and Mr. Thomas spoke to their case worker Ms. Crystal Martin. Mr. Thomas stressed his concerns that CPS removed their child wrongfully and that the matter needed to be investigated. However, Ms. Martin responded that Mr. Thomas shouldn't cry over spilled milk, that he should complete the services requested and that his child would be returned to him.

43. Ms. Shough began starting her services; however Mr. Thomas still refused to take the services that dealt with any sort of abuse. However, Mr. Thomas did start taking parenting classes as ordered by CPS. During the three months that Thomas child was in CPS



custody, both parents were living together and hadn't heard anything concerning the case from their caseworker Ms. Martin.

44. However, in October 2009, Mr. Thomas began calling CPS asking question about the investigation and requesting documents concerning the case and asking that investigator Collins be investigated concerning the fact that she entered into Mr. Thomas and Ms. Shough home without consent and the fact that she removed the child without a court order, warrant, or exigent circumstances. Mr. Thomas was denied any copies of the records concerning the case on grounds that they were confidential.
45. On or about October 12, 2009, began calling questioning Mr. Thomas and Ms. Shough as to when the new child Natalie Thomas was to be born and what hospital that she was to be born at. On or about 24, 2009, Ms. Shough had her new daughter. On October 30, 2009 Mr. Thomas and Ms. Shough went to CPS to have their visit with their daughter Marquia Thomas who was in foster care. Crystal Martin was at the visit and Mr. Thomas began asking Ms. Martin to provide names of individuals that have had involvement in the case and for copies of documents

that had already been provided. Ms. Martin began question Mr. Thomas as to why he needed the document, that if he needed the documents for a lawyer or for him self. Mr. Thomas informed Ms. Martin that he needed the documents to prepare a lawsuit against CPS for wrongfully removing his child and not investigating the allegation to determine whether they were in fact true.

46. After learning that Mr. Thomas was going to claiming he was filing a civil suit against CPS, Ms. Martin left the room and returned with two drug test and requested that, Ms. Shough and Mr. Thomas submit to a drug test. Both parents agreed, and tested negative and the visit was needed and Mr. Thomas and Ms. Shough left.

47. On or November 2, 2009 Ms. Shough received a knock on the door. When she opened the door, there was a Kennedale police officer and a CPS worker by the name of Ms. Jackson. Ms. Jackson informed Ms. Shough that it had been reported by CPS on October 31, 2009 that Ms. Shough had failed to report the birth of her daughter and that Mr. Thomas was living at the home. In response, Ms. Shough informed the investigator that Mr. Thomas was not living at the

home at the time for the fact that he had been arrested and was in jail. Ms. Jackson searched the home and unclothed Ms. Shough new born Natalie Thomas and took pictures of the child. Ms. Jackson informed Ms. Shough that had Mr. Thomas would have been at the house that the daughter Natalie Thomas would have been taking into CPS custody; although no one had told MS. Shough that Mr. Thomas wasn't allowed to live at the home with Ms. Shough and the new born, and Crystal Martin new that both parents had been living together since the removal of their daughter Marquia.

48. Ms. Jackson left the home informing Ms. Shough that upon Mr. Thomas release from jail that she was to report his release to CPS.
49. Because of Mr. Thomas confinement in jail and the fact that she had no income, she was unable to afford the rent where she was staying so she moved in with Mr. Thomas parents. On or about December 12, 2009, Ms. Martin contacted Mr. Thomas mother and informed her that Mr. Thomas had been released from jail. On or about January 10, 2010, CPS is sent to Mr. Thomas home were Ms. Shough was staying. CPS investigator Victor James explained that he was

called out to follow up on the allegations that were reported by CPS October 31, 2009. Mr. James alleged that the allegations were neglectful supervision of Natalie Thomas, and physical abuse by both parents. Because Mr. Thomas wasn't allowed to live with Ms. Shough at the time, Mr. James was unable to question Mr. Thomas. Mr. James left the home without removing the child.

50. Ms. Shough asserts that on or about December 3, 2010; during a Permanency, Ms. Martin falsely informed the court that she had contacted Mr. Thomas and Ms. Shough on 3 occasions requesting that they submit to a drug test and that both parents failed to submit to the drug test. Ms. Shough argued with her attorney that these allegations by Ms. Martin were false that had Mr. Thomas are Ms. Shough refused, there would be a automatic positive result on file. Ms. Shough also claimed that it was impossible for Ms. Martin to contact Mr. Thomas for the fact that Ms. Shough and Mr. Thomas only had one phone that Ms. Shough keep daily while Mr. Thomas worked from 4 a.m. to 5 p.m.

51. On or about February 10, 2010, Mr. Thomas and Ms. Shough received a letter from Mr. James informing

them that based on the allegations reported on October 31, 2009; CPS had determined to rule the allegations of abuse/neglect out for lack of evidence and determined to close the case.

52. October 24, 2010, Mr. Thomas ran into Ms. Martin at the Justice of the Peace courthouse because he was dropping off some documents for his step-father. Mr. Thomas spoke to Ms. Martin and he left. On or about March 4, 2010, Ms. Shough received a home visit from Ms. Martin and another CPS caseworker who failed to identify herself. During the home visit, Ms. Martin question Ms. Shough about the car that was in driveway of her home; claiming that Ms. Martin had seen Mr. Thomas in the same car leaving the courthouse. Ms. Shough responded that the car that she had seen Mr. Thomas in wasn't his car; rather it belonged to Mr. Thomas step-brother; who confirmed that it was in fact his car during the home visit.
53. On or about March 5, 2010, during a visit with Ms. Shough daughter Marquia at CPS, Ms. Shough receives a call from her mother-in-law, which a CPS investigator; Kristy Fewin, had just left the home asking questions about Mr. Thomas and Ms. Shough riding together in a car, and whether Mr. Thomas had

been around Ms. Shough. Ms. Shough mother-in-law informed Ms. Shough that she explained to the investigator that Mr. Thomas had not been around Ms. Shough or her home and that the car that Mr. Thomas had been seen in, wasn't his that it was his step-brothers. Ms. Shough tried to contact the investigator but received a voicemail. On or about March 10, 2010, Ms. Shough received a call from Ms. Fewin stating that she needed to speak with Ms. Shough at her home and that she needed to have her daughter Natalie with her. Ms. Shough ask about the nature of the visit, in response Ms. Fewin responded that there were allegations of neglectful supervision towards Natalie and that they would discuss more at the interview.

54. On or about March 12, 2010, Cps agent Ms. Fewin, shows up at Ms. Shough home for a interview concerning the allegations made by Ms. Martin stating that Lorenzo Thomas was living at the home with Ms. Shough. Ms. Shough denied the allegation and Ms. Fewin completed the interview and left.
55. Mr. Thomas and Ms. Shough asserts that the 9 months that CPS has had custody of their child, Ms. Martin had only done one home visit. However, Ms. Martin

has sent CPS to Ms. Shough home with false allegations of abuse. Ms. Shough asserts that CPS has been unable to find evidence of abuse, domestic violence and has made every attempt to collect evidence after the fact as grounds to justify the initial reason for removal their child from the home on June 25, 2009. Ms. Martin and CPS have tried to use allegations of failure to complete their service plan and violations of CPS request that Ms. Shough have no contact with Mr. Thomas as grounds to terminate rights, rather than proven or showing that there were grounds to remove the child without a warrant or court order.

**Count# 1-Unlawful Retaliation Cognizable**

**Under 42 U.S.C. § 1983**

56. Plaintiffs incorporate by reference paragraphs 23-102 as though fully set forth at length herein.
57. The conduct of Defendants Collins, Martin, and Haines, and Jane/John does 1-10 acting individually and in conspiracy, as set forth above, was a direct result of their personal animus toward Plaintiff

Lorenzo Thomas and/or as retaliation for Mr. Thomas' refusal to ignore serious problems with how CPS removed the child from the home and his obvious intention to file a petition seeking an administrative hearing regarding same. Also Mr. Thomas' obvious intention to file a civil suit against CPS for unlawful removal of child without a warrant or court order and other claims. The day after the confrontational June 26, 2009 hearing, Defendants conspired to report Plaintiff Lorenzo Thomas for child abuse, uncooperative. In the report, Defendants lied about the facts and misrepresented critical matters. The day after the confrontational visit with Ms. Martin, Defendant conspired to also report untrue allegations on several occasions. During hearings at court and calling other CPS office making false allegations against Ms. Shough and Mr. Thomas. Defendant lied about allegations of child neglect and physical abuse. As such, Defendants' actions were unlawful and malicious attempt, under color of law, to harass, intimidate, and punish Plaintiffs. The fact that the entire process was attempted several times 4 months later with another child of Ms. Shough and



Mr. Thomas is further evidence of Defendants' abuse of Plaintiffs' procedural and substantive due process rights under color of law.

58. The acts of Defendants as set forth above were intentional, wanton, malicious, and oppressive, thus entitling Plaintiffs to an award of punitive damages against said Defendants in their individual capacities.

59. If Plaintiffs prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C § 1988.

**Count # 2- Unlawful Search and seizure Without Probable**  
**Cause by CPS Agents**

60. Plaintiffs incorporate by reference paragraphs 23-102 as though fully set forth at length herein.

61. Defendants Carnesha Collins, Safe Haven Mission, Crystal Martin and Jane Doe 1-3 acted unreasonably and in reckless disregard for the truth in failing to seek or secure a proper warrant or order, and in failing to take any steps to confirm the validity of

the information provided them by Plaintiff Shough when they had reason to doubt the validity of such information, based on their own files and the interrogation of Plaintiff Shough by Safe Haven Mission and CPS. They also deliberately failed to examine any of the available exculpatory evidence provided by Plaintiff Shogh before CPS removed Marquia from the home. Defendants' as working as CPS agents, intentionally fabricated evidence in order to obtain a court order to detain Plaintiffs child on June 25, 2009. Defendants maliciously failed to provide the court with exculpatory information, and filed false report in furtherance of the effort to keep Plaintiffs separated from their child.

62. As a result of defendants' acts as described above, defendants deprived Plaintiffs of their right to be free from unlawful searches and seizures, in violation of the Fourteen Amendment to the Constitution of the United States.
63. As a direct and proximate result of the defendants' actions as described above, Plaintiffs suffered damages and will suffer additional damages in the future in an amount that cannot yet be determined.

64. The acts of Defendants as set forth above were intentional, wanton, malicious, and oppressive, the entitling Plaintiffs to an award of punitive damages against said Defendants in their individual capacities.
65. If Plaintiffs prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
66. Prior to the incidents at issue in this case, Thomas Chapmond, Paula Pietz, Joyce Coleman-Alford knew of previous incidents involving Defendants other CPS agents, wherein those CPS agents acted unreasonably and in reckless disregard for the truth in failing to seek or secure a proper warrant or order, and in failing to take any steps to confirm the validity of information provided them by a informant when they had reason to doubt the validity of such information. Chapmond and Joyce Coleman-Alford took no action to discipline Defendants or other CPS agents, or to order them not to repeat such incidents, thus tacitly authorizing such conduct. If Chapmond or Coleman-Alford had taken such remedial action, the unlawful procedures would not have occurred.

67. CPS is vested by state law with the authority to make policy on the practice of child abuse investigations. CPS was aware of a pattern of unlawful investigations and seizure of children without due process, when due process was available, by workers employed by CPS; they were aware that the policies regarding the discipline of workers accused of such practices was so inadequate that it was obvious that a failure to correct them would result in further incidents of unlawful searches; and the failure to correct said policies caused the unlawful procedures to be forced upon Plaintiffs as set forth above. The allegations in this paragraph are likely to have evidentiary support after a reasonable opportunity for the further investigation or discovery.

68. At all time relevant to this complaint, Defendants, as CPS employees, were acting under direction and control of Thomas Chapmond and Coleman-Alford and of CPS, and were acting pursuant to the official policy, practice, or custom of CPS.

69. Acting under color of law and pursuant to official policy, practice, or custom, Thomas Chapmond and Coleman-Alford, Paula Pietz and Cps intentionally,

knowingly, and recklessly failed to instruct, supervise, control and discipline, on a continuing basis, Defendants in their duties to refrain from unlawfully and maliciously conducting an illegal search and seizure against Plaintiffs.

70. Thomas Chapmond, Coleman-Alford, Paula Pietz and CPS had knowledge, or had they diligently exercised their duties to instruct, supervise, control, and discipline on a continuing basis, should have had knowledge that the wrongs which were done, as heretofore alleged were about to be committed. Coleman-Alford, Pietz and CPs had power to prevent or aid in preventing the commission of said wrongs, could have done so by reasonable diligence, and intentionally, knowingly or recklessly failed or refused to do so. The allegations in this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.
71. CPS directly or indirectly, under color of law, approved or ratified the unlawful, deliberate, malicious, reckless, and wanton conduct of Defendants as set forth above.

72. As a direct and proximate result of the acts or omissions of Thomas Chapmond, Coleman-Alford, Pietz and CPs as set forth herein, Plaintiffs suffered mental anguish in connection with the deprivation of their constitutional rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and pursuant by 42 U.S.C. § 1983.
73. The acts of Chapmond, Coleman-Alford and Pietz as set forth above, were intentional, wanton, malicious, and oppressive, thus entitling Plaintiffs to an award of punitive damages against said defendants in their individual capacity.

**Count # 3- Interference with Family Relationships**

74. Plaintiffs incorporate by reference paragraphs 23-102 as though fully set forth at length herein.
75. As a direct and proximate result of unlawful, deliberately indifferent, and malicious acts of Defendants Collins, Martin and Jane Doe 1-3, as set forth above, and as a direct and proximate result of established policies and customs of CPS and Tarrant County as set forth above, Plaintiffs were deprived of their right to the services, consortium, companionship, comfort, and support of their

children/parents/siblings without due process of law, in violation of their rights under the Fourteenth Amendment to the United States Constitution to live together as a family.

76. If the Plaintiffs prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

**Count # 4- Removing Child from Parental Custody Without Hearing**

77. Plaintiffs incorporate by reference paragraphs 23-102 as though fully set forth at length herein.
78. As a direct and proximate result of the unlawful, deliberately indifferent, and malicious acts and omissions of Defendants CPS, Chapmond, Coleman-Alford, Collins, Martin, Safe Haven Mission, Jane Doe 1-10, Tarrant County, Plaintiff Lorenzo Thomas and Heather Shough were deprived of their liberty without due process of law in contravention of the Fourteenth Amendment of the United States Constitution as a result of the failure of the Defendants to afford Plaintiffs a hearing regarding the decision to remove Plaintiffs child from Plaintiffs custody.

79. If Plaintiffs prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

**Count # 5- Intentional Infliction of Emotional Distress**

80. Plaintiffs incorporate by reference paragraphs 23-102 as though full set forth at length herein.
81. The conduct of Defendants CPS, Chapmond, Coleman-Alford, Collins, Jane Doe 1-10, Martin, Tarrant County, Haines, Shannon, and the Tarrant County District Attorney's office was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and intolerable in a civilized community. In particular, the conduct was outrageous because Defendants, despite possessing no evidence to support allegations of child abuse or neglect, and despite possessing evidence to refute allegations of child abuse, neglect, or domestic violence, nonetheless forcibly removed Plaintiffs child from their home and continued to detain their child when there was no need to do so, and attempted through legal action to terminate Plaintiffs



parental rights to their child. The Plaintiffs child was subjected to extreme fear and anxiety.

82. The Defendants' conduct proximately caused Plaintiffs damage in that it caused Plaintiffs to suffer severe emotional distress. In particular, the proximate cause of severe disappointment, indignation, wounded pride, shame, despair, and public humiliation in that Plaintiffs were deprived of their child, threaten with permanent loss of their child, and falsely portrayed as perpetrators of child abuse/neglect to the community. Defendants have made Plaintiffs the object of gossip and rumor in the community at large.

83. In addition to the emotional distress, Plaintiffs have suffered and will continue to suffer additional damages as approximate result of the Defendants' conduct in that in all reasonable probability, Plaintiffs will continue to suffer this mental pain and anguish for a long time into the future. Plaintiffs have also incurred damages in the form of attorney's fees to defend against Defendants' conduct and to try to clear their name.

84. Defendants' conduct as set forth above was malicious and fraudulent so as to entitle Plaintiffs to

recover exemplary damages. In this connection, Plaintiffs will show that as a result of Defendants' conduct, Plaintiffs have suffered losses of time and expenses, including attorney's fees incurred in the investigation and prosecution of this action.

Accordingly, Plaintiffs ask that exemplary damages be awarded against the Defendants in a sum within jurisdictional limits of this Court.

**Count # 6- Invasion of Privacy (Intrusion on Seclusion) and**  
**§ 1983 Violation of Zone of Privacy Protected by the United**  
**State Constitution Committed by Governmental Agent**

85. Plaintiffs incorporate by reference paragraphs 23-102 as though fully set forth at length herein.

86. As a direct result and proximate result of Defendants' CPS, Chapmond, Coleman-Alford, Pietz, Collins, Martin, Jane Doe 1-10, Haines Shannon, Tarrant County, unjustified and unlawful invasion of Plaintiffs privacy, Plaintiffs suffered loss of privacy as well as the private use of their residence. Furthermore, Plaintiffs have suffered humiliation, embarrassment, fear, frustration, and general mental anguish, and in all reasonable

likelihood they will continue to do so for a long time in the future.

87. Plaintiffs have suffered actual losses and actual damages as a direct and proximate result of Defendants' cruel and wrongful invasion of their privacy described above in a sum within jurisdictional limits of the Court and for which Plaintiffs sue.

88. Defendants' conduct constituted a fraudulent and malicious violation of Plaintiffs right to privacy. Plaintiffs, therefore, are entitled to recover exemplary damages. Accordingly, Plaintiffs sue for exemplary damages in a sum within the jurisdictional limits of this Court.

89. If the Plaintiffs are prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

**Count # 7- Abuse of Civil Process Under 42 U.S.C. § 1983**

90. Plaintiffs incorporate by reference paragraphs 23-102 as though fully set forth at length herein.

91. Defendants Carnesha Collins, Crystal Martin, Paula Pietz, Joyce Coleman-Alford, and Jane/or John Doe 1-10, acting individually or together and in conspiracy, caused the civil charges against Plaintiffs as set forth above to issue against Plaintiffs and assisted in the prosecution of said charges.

92. Defendants were motivated in the pursuit of civil charges against Plaintiffs not by belief that the charges had any factual or legal merit or that probable cause for their issuance existed, but for improper, illegal and unconstitutional purposes, to wit:

- a. Defendants sought to protect themselves from civil and/or criminal liability for the unlawful treatment of Plaintiffs as set forth above, by charging Plaintiff with causes of action which, if proven, would arguably have demonstrated the justification for the treatment of Plaintiffs and/or;
- b. Defendants sought to collect monies from Texas State and/or federal agencies in relation to the taking of Plaintiffs

child, placing said child in foster care;  
and/or

- c. Defendants strongly resented the fact  
that Mr. Thomas and Ms. Shough stood up  
to them; and/or
- d. Defendants were consumed with their own  
power agenda; and/or
- e. Defendants sought to hide and/or justify  
the systemic and destruction of crucial  
evidence and hide exculpatory evidence;  
and/or
- f. Defendants sought to use trickery,  
fabricate allegations to protect  
themselves from civil and/or criminal  
liability and to justify the unlawful  
treatment of Plaintiffs.

93. Defendants falsified and/or fabricated their  
official reports and offered perjured testimony at  
hearings of causes of action against Plaintiffs in  
an attempt to secure rulings against Plaintiffs.  
Defendants routinely disregarded statutory  
requirements for gathering evidence.

Defendants continued to detain Plaintiffs  
child after learning Defendants had no basis to do

so. Defendants' intentionally fabricated evidence in order to obtain a court order to continue to detain Plaintiffs child on June 25, 2009. Defendants' maliciously failed to provide the court with exculpatory information, and file false reports in furtherance of the effort to keep Plaintiffs separated from their child.

94. The conduct of Defendants as set forth above clearly violated Plaintiffs fundamental right to be free of unreasonable and unlawful seizure secured by the Fourth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

95. The acts of Defendants as set forth above were intentional, wanton, malicious, and oppressive, thus entitling Plaintiffs to an award of punitive damages against said Defendants in their individual capacities.

96. If Plaintiffs prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

**Count # 8- Conspiracy**

97. Plaintiffs incorporate by reference paragraphs 23-102 as though fully set forth at length herein.

98. Defendants Chapmond, Carnesha Collins, Paula Pietz, Joyce Coleman-Alford, Crystal Martin, Joe Shannon, Jr., Lisa Haines, Safe Haven, and Jane/John Does 1-10, acting in their individual and official capacities and under color of law, having conspired together and with others, reached a mutual understanding and acted to undertake a course of conduct that violated Plaintiffs' civil rights, to wit:

a. Defendants Chapmond, Carnesha Collins, Paula Pietz, Joyce Coleman-Alford, Crystal Martin, Joe Shannon, Jr., Lisa Haines, Safe Haven, and Jane/John Does 1-10 agreed and acted intentionally to forcibly remove a child from their home without any probable cause, warrants, orders, or other due process of law. This was an unreasonable search and seizure and improper deprivation of liberty.

b. Defendants Chapmond, Carnesha Collins, Paula Pietz, Joyce Coleman-Alford, Crystal Martin, Joe Shannon, Jr., Lisa Haines, Safe Haven, and Jane/John Does 1-10, agreed and acted intentionally to file a petition to prevent Plaintiffs Lorenzo Thomas and Heather Shough from

getting their child returned after they were snatched by CPS. No reasonable basis in fact existed for this extraordinary action, or the 10 months of litigation that followed as Defendants CPS and Tarrant County District Attorney's office tried to terminate Mr. Thomas and Ms. Shough parental rights to their child.

c. Defendants Chapmond, Martin, Haines, Pietz, and Jane/John does 1-10, agreed and acted intentionally to open a case against Plaintiffs newborn trying to take custody on false allegation of abuse by CPS trying to terminate Mr. Thomas and Ms. Shough parental rights of both of their children. This was a violation of due process and abuse of civil process.

99. The above conspiracies are the proximate cause of mental anguish, emotional distress, and legal expenses for Plaintiffs.

100. If the Plaintiffs prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.



**Count # 9- Violation of State Constitution**

101. Plaintiffs incorporate by reference paragraphs 23-95 as though fully set forth at length herein.
102. By their actions described above, Defendants TDFPS, CPS, Chapmond, Coleman-Alford, Collins, Jane Doe 1-10, Martin, Tarrant County, Haines, Shannon, and the Tarrant County District Attorney's violated Sections 9 and 19 of the Texas Constitution.

**JURY REQUESTED**

103. A jury trial is requested on all issues.

**Damages**

104. As a direct and proximate result of Defendants' conduct, Plaintiffs suffered the following injuries and damages:
- a. Damage to reputation in the past and the future.
  - b. Lost earnings.
  - c. Mental anguish in the past and in the future.
  - d. Physical pain and emotional distress.
  - e. Exemplary damages.
  - f. Costs and fees related to litigation by State of Texas to terminate Plaintiffs parental rights.

**Attorney's Fees**

105. Pursuant to 42 U.S.C. § 1988, Plaintiffs are entitled to reasonable and necessary attorney's fees for the preparation and trial of this case and various stages of appeal, if any, including additional attorney's fees in the event it is necessary to pursue the collection of any judgments.

**Prayer for Relief**

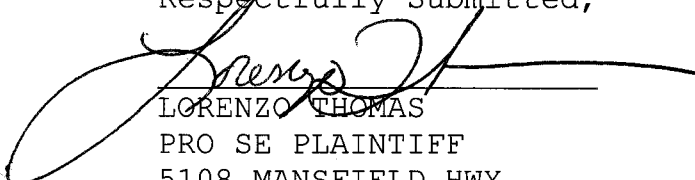
106. For these reasons, plaintiffs ask for judgment against Defendant for the following:


- a. Actual damages.
- b. Exemplary damages.
- c. Reasonable and necessary attorney's fees.
- d. Prejudgment and Post judgment interest.
- e. Costs of suit.
- f. Costs of defending appeal.
- g. Such other and further relief that this Court may deem appropriate and just.

107. Plaintiffs further ask the Court for the following relief against the Texas Department of Family and Protective Services, Tarrant County, Tarrant County District Attorney's Office and Safe Haven Mission, in addition to the requested relief hereinafter against said Defendants:

- a. A declaratory judgment that the policies, practices, and acts complained of herein are illegal and unconstitutional.
- b. A permanent injunction enjoining said Defendants from engaging in the practice complained of.
- c. Such other relief and further relief that this court may deem appropriate and just.

Respectfully Submitted,

  
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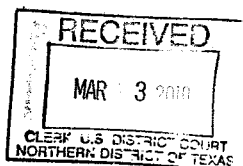
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FIRST CLASS



**4-10 CV-193-Y**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

Attention: District Clerk

501 W. 10th Street

Room 310

Worth, Texas 76102-3